

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE ENVIRONMENTAL)	
SURCHARGE MECHANISM OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR THE SIX-)	CASE NO.
MONTH BILLING PERIOD ENDING DECEMBER)	2014-00051
31, 2013 AND THE PASS THROUGH)	
MECHANISM FOR ITS SIXTEEN MEMBER)	
DISTRIBUTION COOPERATIVES)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On August 22, 2014, East Kentucky Power Cooperative, Inc., ("EKPC") moved pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its petition filed on August 22, 2014, EKPC states that the information it is requesting to be held confidential is contained in its response to the Commission Staff's Third Request for Information, ("Staff's Third Request") Item 5.b., dated August 7, 2014. The information is more particularly described as information related to invoices and includes customer information for its largest industrial customers, including names of industrial customers, the substations that serve those customers, and the billing and usage information for those customers. EKPC states that this sensitive information, if disclosed, could result in a competitive disadvantage to EKPC as set out in KRS 61.878(1)(c)(1).

Having carefully considered the Petition Requesting Confidential Treatment and the materials at issue, the Commission finds that the customer and substation usage information, which is contained in EKPC's response to Staff's Third Request, Item 5.b., meets the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1) and should not be placed in the public record for a period of ten years from the date of this Order, or until further Orders of this Commission. However, the Commission further finds that the substation and industrial customer names and the rates do not meet the standard for confidential protection. This type of information is routinely disclosed and generally publicly available. Disclosure of the industrial customer names and rates in this proceeding would not create an unfair commercial advantage, and EKPC's request to protect this information from disclosure should be denied.

IT IS THEREFORE ORDERED that:

1. EKPC's Petition for Confidential Protection is granted in part and denied in part.
2. The customer and substation usage information contained in EKPC's Response to Staff's Third Request, Item 5.b., meets the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1), and confidential protection is granted to such information. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. EKPC shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The rates, customer and substation names contained in EKPC's response to Staff's Third Request, Item 5.b., do not meet the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1), and confidential protection is denied to such information.

7. EKPC shall file a redacted copy of its response to Staff's Third Request, Item 5.b.

8. The Commission shall not place the materials in the public record for a period of 30 days pursuant to 807 KAR 5:001, Section 13(5), and KRS 278.410.

9. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable

to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

By the Commission

ENTERED 
AUG 05 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

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